

106TH CONGRESS
1ST SESSION

S. 323

AMENDMENT

In the House of Representatives, U. S.,

September 27, 1999.

Resolved, That the bill from the Senate (S. 323) entitled “An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Black Canyon of the*
3 *Gunnison National Park and Gunnison Gorge National*
4 *Conservation Area Act of 1999”.*

5 ***SEC. 2. FINDINGS.***

6 *Congress finds that—*

7 *(1) Black Canyon of the Gunnison National*
8 *Monument was established for the preservation of its*
9 *spectacular gorges and additional features of scenic,*
10 *scientific, and educational interest;*

11 *(2) the Black Canyon of the Gunnison and adja-*
12 *cent upland include a variety of unique ecological, ge-*
13 *ological, scenic, historical, and wildlife components*

1 *enhanced by the serenity and rural western setting of*
2 *the area;*

3 *(3) the Black Canyon of the Gunnison and adja-*
4 *cent land provide extensive opportunities for edu-*
5 *cational and recreational activities, and are publicly*
6 *used for hiking, camping, and fishing, and for wilder-*
7 *ness value, including solitude;*

8 *(4) adjacent public land downstream of the*
9 *Black Canyon of the Gunnison National Monument*
10 *has wilderness value and offers unique geological, pa-*
11 *leontological, scientific, educational, and recreational*
12 *resources;*

13 *(5) public land adjacent to the Black Canyon of*
14 *the Gunnison National Monument contributes to the*
15 *protection of the wildlife, viewshed, and scenic quali-*
16 *ties of the Black Canyon;*

17 *(6) some private land adjacent to the Black Can-*
18 *yon of the Gunnison National Monument has excep-*
19 *tional natural and scenic value that would be threat-*
20 *ened by future development pressures;*

21 *(7) the benefits of designating public and private*
22 *land surrounding the national monument as a na-*
23 *tional park include greater long-term protection of the*
24 *resources and expanded visitor use opportunities; and*

(8) *land in and adjacent to the Black Canyon of the Gunnison Gorge is—*

(A) *recognized for offering exceptional multiple use opportunities;*

(B) *recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and*

(C) *worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONSERVATION AREA.**—*The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.*

(2) **MAP.**—*The term “Map” means the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99”. The map shall be on file and available for public inspection in the offices of the Department of the Interior.*

1 (3) *PARK.*—*The term “Park” means the Black*
 2 *Canyon of the Gunnison National Park established*
 3 *under section 4 and depicted on the Map.*

4 (4) *SECRETARY.*—*The term “Secretary” means*
 5 *the Secretary of the Interior.*

6 **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNI-**
 7 **SON NATIONAL PARK.**

8 (a) *ESTABLISHMENT.*—*There is hereby established the*
 9 *Black Canyon of the Gunnison National Park in the State*
 10 *of Colorado as generally depicted on the map identified in*
 11 *section 3. The Black Canyon of the Gunnison National*
 12 *Monument is hereby abolished as such, the lands and inter-*
 13 *ests therein are incorporated within and made part of the*
 14 *new Black Canyon of the Gunnison National Park, and any*
 15 *funds available for purposes of the monument shall be avail-*
 16 *able for purposes of the park.*

17 (b) *ADMINISTRATION.*—*Upon enactment of this title,*
 18 *the Secretary shall transfer the lands under the jurisdiction*
 19 *of the Bureau of Land Management which are identified*
 20 *on the map for inclusion in the park to the administrative*
 21 *jurisdiction of the National Park Service. The Secretary*
 22 *shall administer the park in accordance with this Act and*
 23 *laws generally applicable to units of the National Park Sys-*
 24 *tem, including the Act entitled “An Act to establish a Na-*
 25 *tional Park Service, and for other purposes”, approved Au-*

1 *gust 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An*
 2 *Act to provide for the preservation of historic American*
 3 *sites, buildings, objects, and antiquities of national signifi-*
 4 *cance, and for other purposes, approved August 21, 1935*
 5 *(16 U.S.C. 461 et seq.).*

6 (c) *MAPS AND LEGAL DESCRIPTION.*—*As soon as prac-*
 7 *ticable after the date of the enactment of this Act, the Sec-*
 8 *retary shall file maps and a legal description of the park*
 9 *with the Committee on Energy and Natural Resources of*
 10 *the United States Senate and the Committee on Resources*
 11 *of the United States House of Representatives. Such maps*
 12 *and legal description shall have the same force and effect*
 13 *as if included in this Act, except that the Secretary may*
 14 *correct clerical and typographical errors in such legals de-*
 15 *scription and maps. The maps and legal description shall*
 16 *be on file and available for public inspection in the appro-*
 17 *priate offices of the National Park Service.*

18 (d) *WITHDRAWAL.*—*Subject to valid existing rights, all*
 19 *Federal lands within the park are hereby withdrawn from*
 20 *all forms of entry, appropriation, or disposal under the*
 21 *public land laws; from location, entry, and patent under*
 22 *the mining laws; and from disposition under all laws relat-*
 23 *ing to mineral and geothermal leasing, and all amendments*
 24 *thereto.*

1 (e) *GRAZING.—(1)(A) Consistent with the require-*
2 *ments of this subsection, including the limitation in para-*
3 *graph (3), the Secretary shall allow the grazing of livestock*
4 *within the park to continue where authorized under permits*
5 *or leases in existence as of the date of the enactment of this*
6 *Act. Grazing shall be at no more than the current level,*
7 *and subject to applicable laws and National Park Service*
8 *regulations.*

9 (B) *Nothing in this subsection shall be construed as*
10 *extending grazing privileges for any party or their assignee*
11 *in any area of the park where, prior to the date of the enact-*
12 *ment of this Act, such use was scheduled to expire according*
13 *to the terms of a settlement by the U.S. Claims Court affect-*
14 *ing property incorporated into the boundary of the Black*
15 *Canyon of the Gunnison National Monument.*

16 (C) *Nothing in this subsection shall prohibit the Sec-*
17 *retary from accepting the voluntary termination of leases*
18 *or permits for grazing within the park.*

19 (2) *Within areas of the park designated as wilderness,*
20 *the grazing of livestock, where authorized under permits in*
21 *existence as of the date of the enactment of this Act, shall*
22 *be permitted to continue subject to such reasonable regula-*
23 *tions, policies, and practices as the Secretary deems nec-*
24 *essary, consistent with this Act, the Wilderness Act, and*

1 *other applicable laws and National Park Service regula-*
 2 *tions.*

3 *(3) With respect to the grazing permits and leases ref-*
 4 *erenced in this subsection, the Secretary shall allow grazing*
 5 *to continue, subject to periodic renewal—*

6 *(A) with respect to a permit or lease issued to*
 7 *an individual, for the lifetime of the individual who*
 8 *was the holder of the permit or lease on the date of*
 9 *the enactment of this Act; and*

10 *(B) with respect to a permit or lease issued to*
 11 *a partnership, corporation, or other legal entity, for*
 12 *a period which shall terminate on the same date that*
 13 *the last permit or lease held under subparagraph (A)*
 14 *terminates, unless the partnership, corporation, or*
 15 *legal entity dissolves or terminates before such time,*
 16 *in which case the permit or lease shall terminate with*
 17 *the partnership, corporation, or legal entity.*

18 **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY**

19 **ADJUSTMENTS.**

20 *(a) ADDITIONAL ACQUISITIONS.—*

21 *(1) IN GENERAL.—The Secretary may acquire*
 22 *land or interests in land depicted on the Map as pro-*
 23 *posed additions.*

24 *(2) METHOD OF ACQUISITION.—*

1 (A) *IN GENERAL.*—*Land or interests in*
 2 *land may be acquired by—*

3 (i) *donation;*

4 (ii) *transfer;*

5 (iii) *purchase with donated or appro-*
 6 *priated funds; or*

7 (iv) *exchange.*

8 (B) *CONSENT.*—*No land or interest in land*
 9 *may be acquired without the consent of the*
 10 *owner of the land.*

11 (b) *BOUNDARY REVISION.*—*After acquiring land for*
 12 *the Park, the Secretary shall—*

13 (1) *revise the boundary of the Park to include*
 14 *newly-acquired land within the boundary; and*

15 (2) *administer newly-acquired land subject to*
 16 *applicable laws (including regulations).*

17 (c) *BOUNDARY SURVEY.*—*As soon as practicable and*
 18 *subject to the availability of funds the Secretary shall com-*
 19 *plete an official boundary survey of the Park.*

20 (d) *HUNTING ON PRIVATELY OWNED LANDS.*—

21 (1) *IN GENERAL.*—*The Secretary may permit*
 22 *hunting on privately owned land added to the Park*
 23 *under this Act, subject to limitations, conditions, or*
 24 *regulations that may be prescribed by the Secretary.*

1 (2) *TERMINATION OF AUTHORITY.*—*On the date*
 2 *that the Secretary acquires fee ownership of any pri-*
 3 *vately owned land added to the Park under this Act,*
 4 *the authority under paragraph (1) shall terminate*
 5 *with respect to the privately owned land acquired.*

6 **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNI-**
 7 **SON WILDERNESS.**

8 (a) *EXPANSION OF BLACK CANYON OF THE GUNNISON*
 9 *WILDERNESS.*—*The Black Canyon of the Gunnison Wilder-*
 10 *ness, as established by subsection (b) of the first section of*
 11 *Public Law 94–567 (90 Stat. 2692), is expanded to include*
 12 *the parcel of land depicted on the Map as “Tract A” and*
 13 *consisting of approximately 4,419 acres.*

14 (b) *ADMINISTRATION.*—*The Black Canyon of the Gun-*
 15 *nison Wilderness shall be administered as a component of*
 16 *the Park.*

17 **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NA-**
 18 **TIONAL CONSERVATION AREA.**

19 (a) *IN GENERAL.*—*There is established the Gunnison*
 20 *Gorge National Conservation Area, consisting of approxi-*
 21 *mately 57,725 acres as generally depicted on the Map.*

22 (b) *MANAGEMENT OF CONSERVATION AREA.*—*The Sec-*
 23 *retary, acting through the Director of the Bureau of Land*
 24 *Management, shall manage the Conservation Area to pro-*

1 *tect the resources of the Conservation Area in accordance*
 2 *with—*

3 *(1) this Act;*

4 *(2) the Federal Land Policy and Management*
 5 *Act of 1976 (43 U.S.C. 1701 et seq.); and*

6 *(3) other applicable provisions of law.*

7 *(c) WITHDRAWAL.—Subject to valid existing rights, all*
 8 *Federal lands within the Conservation Area are hereby*
 9 *withdrawn from all forms of entry, appropriation or dis-*
 10 *posal under the public land laws; from location, entry, and*
 11 *patent under the mining laws; and from disposition under*
 12 *all laws relating to mineral and geothermal leasing, and*
 13 *all amendments thereto.*

14 *(d) HUNTING, TRAPPING AND FISHING.—*

15 *(1) IN GENERAL.—The Secretary shall permit*
 16 *hunting, trapping, and fishing within the Conserva-*
 17 *tion Area in accordance with applicable laws (includ-*
 18 *ing regulations) of the United States and the State of*
 19 *Colorado.*

20 *(2) EXCEPTION.—The Secretary, after consulta-*
 21 *tion with the Colorado Division of Wildlife, may issue*
 22 *regulations designating zones where and establishing*
 23 *periods when no hunting or trapping shall be per-*
 24 *mitted for reasons concerning—*

25 *(A) public safety;*

1 (B) administration; or

2 (C) public use and enjoyment.

3 (e) *USE OF MOTORIZED VEHICLES.*—In addition to
 4 the use of motorized vehicles on established roadways, the
 5 use of motorized vehicles in the Conservation Area shall be
 6 allowed to the extent the use is compatible with off-highway
 7 vehicle designations as described in the management plan
 8 in effect on the date of the enactment of this Act.

9 (f) *CONSERVATION AREA MANAGEMENT PLAN.*—

10 (1) *IN GENERAL.*—Not later than 4 years after
 11 the date of the enactment of this Act, the Secretary
 12 shall—

13 (A) develop a comprehensive plan for the
 14 long-range protection and management of the
 15 Conservation Area; and

16 (B) transmit the plan to—

17 (i) the Committee on Energy and Nat-
 18 ural Resources of the Senate; and

19 (ii) the Committee on Resources of the
 20 House of Representatives.

21 (2) *CONTENTS OF PLAN.*—The plan—

22 (A) shall describe the appropriate uses and
 23 management of the Conservation Area in accord-
 24 ance with this Act;

1 (B) may incorporate appropriate decisions
 2 contained in any management or activity plan
 3 for the area completed prior to the date of the en-
 4 actment of this Act;

5 (C) may incorporate appropriate wildlife
 6 habitat management plans or other plans pre-
 7 pared for the land within or adjacent to the Con-
 8 servation Area prior to the date of the enactment
 9 of this Act;

10 (D) shall be prepared in close consultation
 11 with appropriate Federal, State, county, and
 12 local agencies; and

13 (E) may use information developed prior to
 14 the date of the enactment of this Act in studies
 15 of the land within or adjacent to the Conserva-
 16 tion Area.

17 (g) *BOUNDARY REVISIONS.*—The Secretary may make
 18 revisions to the boundary of the Conservation Area fol-
 19 lowing acquisition of land necessary to accomplish the pur-
 20 poses for which the Conservation Area was designated.

21 **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CON-**
 22 **SERVATION AREA.**

23 (a) *GUNNISON GORGE WILDERNESS.*—

24 (1) *IN GENERAL.*—Within the Conservation
 25 Area, there is designated as wilderness, and as a com-

ponent of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

1 (c) *STATE RESPONSIBILITY.*—As provided in section
 2 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), noth-
 3 ing in this Act or in the Wilderness Act shall affect the
 4 jurisdiction or responsibilities of the State of Colorado with
 5 respect to wildlife and fish on the public land located in
 6 that State.

7 (d) *MAPS AND LEGAL DESCRIPTIONS.*—As soon as
 8 practicable after the date of the enactment of this section,
 9 the Secretary of the Interior shall file a map and a legal
 10 description of the Gunnison Gorge Wilderness with the
 11 Committee on Energy and Natural Resources of the United
 12 States Senate and the Committee on Resources of the United
 13 States House of Representatives. This map and description
 14 shall have the same force and effect as if included in this
 15 Act. The Secretary of the Interior may correct clerical and
 16 typographical errors in the map and legal description. The
 17 map and legal description shall be on file and available
 18 in the office of the Director of the BLM.

19 **SEC. 9. WITHDRAWAL.**

20 Subject to valid existing rights, the Federal lands iden-
 21 tified on the Map as “BLM Withdrawal (Tract B)” (com-
 22 prising approximately 1,154 acres) are hereby withdrawn
 23 from all forms of entry, appropriation or disposal under
 24 the public land laws; from location, entry, and patent under
 25 the mining laws; and from disposition under all laws relat-

1 *ing to mineral and geothermal leasing, and all amendments*
 2 *thereto.*

3 **SEC. 10. WATER RIGHTS.**

4 (a) *EFFECT ON WATER RIGHTS.*—*Nothing in this Act*
 5 *shall—*

6 (1) *constitute an express or implied reservation*
 7 *of water for any purpose; or*

8 (2) *affect any water rights in existence prior to*
 9 *the date of the enactment of this Act, including any*
 10 *water rights held by the United States.*

11 (b) *ADDITIONAL WATER RIGHTS.*—*Any new water*
 12 *right that the Secretary determines is necessary for the pur-*
 13 *poses of this Act shall be established in accordance with the*
 14 *procedural and substantive requirements of the laws of the*
 15 *State of Colorado.*

16 **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO**
 17 **CURECANTI NATIONAL RECREATION AREA.**

18 (a) *IN GENERAL.*—*Not later than 3 years after the*
 19 *date of the enactment of this Act, the Secretary, acting*
 20 *through the Director of the National Park Service, shall*
 21 *conduct a study concerning land protection and open space*
 22 *within and adjacent to the area administered as the*
 23 *Curecanti National Recreation Area.*

24 (b) *PURPOSE OF STUDY.*—*The study required to be*
 25 *completed under subsection (a) shall—*

1 (1) *assess the natural, cultural, recreational and*
2 *scenic resource value and character of the land within*
3 *and surrounding the Curecanti National Recreation*
4 *Area (including open vistas, wildlife habitat, and*
5 *other public benefits);*

6 (2) *identify practicable alternatives that protect*
7 *the resource value and character of the land within*
8 *and surrounding the Curecanti National Recreation*
9 *Area;*

10 (3) *recommend a variety of economically feasible*
11 *and viable tools to achieve the purposes described in*
12 *paragraphs (1) and (2); and*

13 (4) *estimate the costs of implementing the ap-*
14 *proaches recommended by the study.*

15 (c) *SUBMISSION OF REPORT.*—*Not later than 3 years*
16 *from the date of the enactment of this Act, the Secretary*
17 *shall submit a report to Congress that—*

18 (1) *contains the findings of the study required by*
19 *subsection (a);*

20 (2) *makes recommendations to Congress with re-*
21 *spect to the findings of the study required by sub-*
22 *section (a); and*

23 (3) *makes recommendations to Congress regard-*
24 *ing action that may be taken with respect to the land*
25 *described in the report.*

1 (d) *ACQUISITION OF ADDITIONAL LAND AND INTER-*
 2 *ESTS IN LAND.*—

3 (1) *IN GENERAL.*—Prior to the completion of the
 4 study required by subsection (a), the Secretary may
 5 acquire certain private land or interests in land as
 6 depicted on the Map entitled “Proposed Additions to
 7 the Curecanti National Recreation Area,” dated 01/
 8 25/99, totaling approximately 1,065 acres and enti-
 9 tled “Hall and Fitti properties”.

10 (2) *METHOD OF ACQUISITION.*—

11 (A) *IN GENERAL.*—Land or an interest in
 12 land under paragraph (1) may be acquired by—

13 (i) donation;

14 (ii) purchase with donated or appro-
 15 priated funds; or

16 (iii) exchange.

17 (B) *CONSENT.*—No land or interest in land
 18 may be acquired without the consent of the
 19 owner of the land.

20 (C) *BOUNDARY REVISIONS FOLLOWING AC-*
 21 *QUISITION.*—Following the acquisition of land
 22 under paragraph (1), the Secretary shall—

23 (i) revise the boundary of the
 24 Curecanti National Recreation Area to in-
 25 clude newly-acquired land; and

1 (ii) administer newly-acquired land
2 according to applicable laws (including reg-
3 ulations).

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums as
6 are necessary to carry out this Act.

Attest:

Clerk.